## UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

CORINTHIAN CONTRACTORS, INC.

and

Case 05-CA-095938

CONSTRUCTION AND GENERAL LABORERS' LOCAL 657 A/W LABORERS' INTERNATIONAL UNION OF NORTH AMERICA

## **ORDER**

The Respondent's request for special permission to appeal<sup>1</sup> from Deputy Chief Administrative Law Judge Arthur J. Amchan's April 16, 2013 Order denying the Respondent's motion to stay the proceedings is denied.<sup>2</sup>

Dated, Washington, D.C., June 3, 2013.

MARK GASTON PEARCE, CHAIRMAN

RICHARD F. GRIFFIN, JR., MEMBER

SHARON BLOCK, MEMBER

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<sup>&</sup>lt;sup>1</sup> On May 8, 2013, the Respondent filed a document entitled "Employer's Exceptions to the Decision of Deputy Chief Administrative Law Judge Arthur J. Amchan." The Respondent stated that the document was filed pursuant to Sec. 102.46 of the Board's Rules and Regulations. That section addresses exceptions to be filed to an administrative law judge's decision after the proceeding has been transferred to the Board. Because the Respondent is seeking revocation of the judge's order denying its motion, it appears that the Respondent intended to file a request for special permission to file an appeal from the judge's order, as contemplated by Section 102.26 of the Board's Rules and Regulations. Accordingly, we construe it as such.

<sup>&</sup>lt;sup>2</sup> In denying the motion, the judge correctly noted that the Board has held that the question of the validity of the President's recess appointments remains in litigation and, pending a definitive resolution, the Board is charged to fulfill its responsibilities under the Act. In addition, we observe that the issue of whether the Board has a quorum is irrelevant to the proceedings at this stage, as the Acting General Counsel continues to have the authority to investigate and prosecute unfair labor practice charges. See *Bloomingdale's*, *Inc.*, 359 NLRB No. 113 (2013).